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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,537	04/16/2001	Carl R. Merril	PAN01/003	5407

7590

01/14/2002

Mary E. Gormley
Panacea Pharmaceuticals, INC.
9700 Great Seneca Hwy.
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EXAMINER

PRYOR, ALTON NATHANIEL

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 01/14/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,537

Applicant(s)

Merril et al

Examiner

Alton Pryor

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4,5 20) ☐ Other:

Art Unit:

Claim Rejections under 35 U.S.C. 102(b,e)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,9-11,13,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Keana et al (US 5385946; 1/31/95). Keana teaches a method comprising the administration of a guanidine H-Cl salt to humans. It is inherent that the administration of the compound to humans would treat instant diseases. See abstract, column 24 example 3, claim 1.

3. Claims 1,2,5,9-11,13,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhatta et al (US 5462753; 10/31/95). Bhatta teaches a method comprising the administration of potassium iodide to humans. It is inherent that the administration of the compound to humans would treat instant diseases. See abstract, claim 1.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1,2,7,9-11,13,14 are rejected under 35 U.S.C. 102(e) as being anticipated by Benson et al (WO 200076495; 12/21/00). Benson teaches a method comprising the administration of urea to humans. It is inherent that the administration of the compound to humans would treat instant diseases. See abstract.

Art Unit:

Claim Rejections under 35 U.S.C. 103(a)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keana as applied to claims 1,2,9-11,13,14 above. See 102b rejection above. Keana teaches all that is recited in claims 4,12 except for the method comprising the instant amounts of guanidine H-Cl being administered to a cow. In the absence of unexpected results, one having ordinary skill in the art would have expected the effect of the said compound on the cow to be similar to the effect on a human. One would have expected this since both cows and humans are mammals. The optimum dosage would have been determined through routine experimentation.

7. Claims 6,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatta as applied to claims 1,2,9-11,13,14 above. See 102b rejection above. Bhatta teaches all that is recited in claims 6,12 except for the method comprising the instant amounts of KI being administered to a cow. In the absence of unexpected results, one having ordinary skill in the art would have expected the effect of the said compound on the cow to be similar to the effect on a human. One would have expected this since both cows and humans are mammals. The optimum dosage would have been determined through routine experimentation.

Art Unit:

8. Claims 8,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson as applied to claims 1,2,9-11,13,14 above. See 102e rejection above. Benson teaches all that is recited in claims 8,12 except for the method comprising the instant amounts of urea being administered to a cow. In the absence of unexpected results, one having ordinary skill in the art would have expected the effect of the said compound on the cow to be similar to the effect on a human. One would have expected this since both cows and humans are mammals. The optimum dosage would have been determined through routine experimentation.

Claim Objection

Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not suggest the instant method further comprising inducing hyperthermia through applying microwave energy.

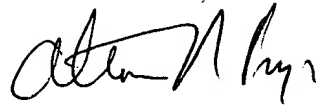
Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton Pryor whose telephone number is (703) 308-4691. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628. The fax phone number for this Group is (703) 308-4556.

Art Unit:

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

A handwritten signature in black ink, appearing to read "Alton Pryor". The signature is fluid and cursive, with the first name "Alton" and last name "Pryor" clearly distinguishable.

Alton Pryor

Primary Examiner, AU 1616

1/12/02